



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

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MEETING MINUTES:	BOARD OF CHARITABLE GAMING
MEETING DATE AND TIME:	Thursday, August 4, 2011 at 1:00 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
APPROVED:	September 1, 2011

MEMBERS PRESENT

James Greene, Chairman, DE Volunteer Fireman's Association Member
Deborah Messina, Vice Chairperson, Public Member
Sharon McDowell, Public Member
Janet Williams-Coger, Non-profit Member
Scott Angelucci, Public Member (entered meeting at 1:02)

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Robert Willard, Deputy Attorney General
Michele Howard, Administrative Specialist II
Sandra Wagner, Administrative Specialist III
Kristin Gibbons, Hearing Officer

MEMBERS ABSENT

None

ALSO PRESENT

Vera Sitze, Wilcox & Fetzer
Pablo Reyes, Jr., Harrington Fire Company
Jack Vogel, Harrington Fire Company
Chip Thompson, Charitable Games of Delaware

CALL TO ORDER

Mr. Greene called the meeting to order at 1:00 p.m.

Introduction of New Board Member, Janet Williams-Coger

Mr. Greene introduced Ms. Janet Williams-Coger as the Board's newest member.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the meeting minutes of July 7, 2011. Ms. Messina made a motion, seconded by Ms. McDowell, to approve the minutes as presented. The motion was unanimously approved.

RULES & REGULATIONS PUBLIC HEARING – 1:00 P.M.

BOARD PRESENT: James Greene, Deborah Messina, Sharon McDowell, Scott Angelucci, Janet Williams-Coger

PUBLIC PRESENT: Pablo Reyes, Jr., Jack Vogel, Chip Thompson

PURPOSE: Proposed Amendments to the Board's Rules & Regulations Governing Cookie Jar Bingo and Raffles

PRESIDING: James Greene, Chairman

BOARD STAFF: Michele Howard, Administrative Specialist II; Sandra Wagner, Administrative Specialist III; Kristin Gibbons, Hearing Officer

BOARD COUNSEL: Robert Willard, Deputy Attorney General

COURT REPORTER: Vera Sitze, Wilcox and Fetzer

Mr. Willard and the Board members introduced themselves for the record. Mr. Willard stated that the purpose of the public hearing was to hear public comment regarding the Board's proposed amendments to the Rules and Regulations governing cookie jar bingo and raffles. Mr. Willard advised that the proposed changes and notification of the public hearing were published in the Register of Regulations in July. Mr. Willard summarized the Board's proposed amendments regarding raffles. There was no public comment. Ms. Howard confirmed that no written public comment had been received by the Board office. Ms. Messina made a motion, seconded by Ms. McDowell, to adopt the amendments governing raffles without changes. The motion was unanimously carried. Mr. Willard summarized the Board's proposed amendments regarding cookie jar bingo. There was no public comment. Ms. Howard confirmed that no written public comment had been received by the Board office. Ms. Messina made a motion, seconded by Ms. McDowell, to adopt the amendments governing cookie jar bingo without changes. The motion was unanimously carried. Mr. Willard advised that the amendments will be re-published in the Register of Regulations and will take effect 10 days after publication. The hearing adjourned at 1:05 p.m.

UNFINISHED BUSINESS

Final Denials None

Re-Review of PTD Applications None

Joint Sunset Review

Rules & Regulations Governing Third Party Vendors

Mr. Willard advised that legislation signed by the Governor in July 2011 grants the Board of Charitable Gaming the statutory authority to license third party vendors. Mr. Willard added that the Board needs to promulgate rules and regulations governing third party vendors. Mr. Willard advised that the Board currently licenses individuals as Texas Hold'Em dealers, which requires applicants to submit to an investigative process. Mr. Willard will draft rules and regulations governing third party vendors for the Board to review at its September meeting. Ms. Howard recommended that third party vendor be defined and/or titled as "Charitable Gaming Vendor" to make the license type more recognizable to the public. Ms. Messina asked Mr. Willard to also draft rules and regulations governing individual dealer licenses. Ms. Howard asked and Mr. Willard confirmed that third party vendor licenses will license establishments, not individuals, but will require criminal background reports for all officers of the establishment. Ms. Messina stated that third party vendors must have a Delaware business license, and officers of third party vendors will not be required to reside in Delaware. Mr. Angelucci expressed concern that the Board may not be able to obtain federal criminal background reports for licensees residing

outside of Delaware. Mr. Willard advised that the Joint Sunset Committee had granted the Board full criminal background check authority.

NEW BUSINESS

Executive Session None

Board Member Reports

Ms. Messina stated that the new statute has been posted on the Board's website, and advised that the Board's name needs to be updated on applications and forms. Ms. Howard stated that the applications and webpages would be updated with the Board's new name. Ms. Howard added that the applications are outdated and need to be revised to add EINs. Ms. Messina and Mr. Greene advised Ms. Howard that changes to applications and webpages need Board review and approval, regardless of the Division's policy pertaining to other professional boards. Ms. Howard will try to email drafts of the newly revised applications and webpages to the Board for its review and possible discussion at its September Board meeting.

Delegation of Authority None

Review of Applications for Texas Hold'Em Tournaments

Leukemia & Lymphoma Society (NJ vendor, MIC signed offsite letter, review house rules)

Mr. Greene and Ms. Messina reviewed the Texas Hold'Em Tournament application of Leukemia & Lymphoma Society for a proposed event on 8/18/11. Ms. Messina summarized the application for the Board. After discussion, Ms. Messina made a motion, seconded by Ms. McDowell, to approve the application contingent on the following:

- Written confirmation from the organization that Matthew Browner is a current member in good standing of the Leukemia & Lymphoma Society, since he is listed as both the Member In Charge and an employee of Barclays.
- Royal Flush Entertainment is not eligible for licensure as a third party vendor due to its lack of a Delaware Business License. In addition, the listed Tournament Director, Joyce Talley, does not have a Delaware Business License and is therefore also not eligible for licensure as a third party vendor. The organization has two options:
 1. Choose an alternate third party vendor and submit a new application indicating the new vendor and Tournament Director, OR
 2. Choose not to use a third party vendor and submit a letter to the board confirming that the organization will not use Royal Flush Entertainment or any other third party vendor, and that Joyce Talley will not be the Tournament Director, unless the organization submits proof that Ms. Talley is a current member in good standing of the Society. The letter must request the Board's approval of a new Tournament Director, who must be a current member in good standing of the Leukemia & Lymphoma Society and must be licensed as a Texas Hold'Em Individual in Delaware.

The motion was unanimously carried.

Review of Applications for Charitable Gaming Events None

Review of Applications for Instant Bingo Events None

Review of Applications for Bingo Events

Women of the Moose Seaford Chapter 1384 (1st time app)

Mr. Greene and Ms. Messina reviewed the Bingo application of Women of the Moose Seaford Chapter 1384 for a proposed event on 9/22/11. Ms. McDowell made a motion, seconded by Mr. Angelucci, to approve the application. The motion was unanimously carried.

Review of Applications for Raffles

The Thomas Jefferson Learning Foundation (1st time app, online raffle)

Mr. Greene and Ms. Messina reviewed the Raffle application of The Thomas Jefferson Learning Foundation for a proposed drawing date of 8/31/11. Ms. McDowell made a motion, seconded by Mr. Angelucci, to propose to deny the application, as the Board does not permit online raffles. The motion was unanimously carried.

Cystic Fibrosis Foundation (MD organization & PA mailing address, alcohol)

Mr. Greene and Ms. Messina reviewed the Raffle application of Cystic Fibrosis Foundation for a proposed drawing date of 11/18/11. Ms. Messina advised that the organization has not submitted a Delaware address. The headquarters are located in Maryland, and the physical address listed on the application is in Pennsylvania. The Board has approved raffle applications for this organization in the past – by oversight. Ms. McDowell made a motion, seconded by Ms. Messina, to propose to deny the raffle application for lack of a physical address in Delaware. The motion was unanimously carried.

St. John the Baptist Roman Catholic Church (1st time raffle app)

Daily Drawings in January 2012

Daily Drawings in February 2012

Daily Drawings in March 2012

Mr. Greene and Ms. Messina reviewed the Raffle applications of St. John the Baptist Roman Catholic Church for proposed daily drawing dates in January, February and March of 2012. Ms. Messina made a motion, seconded by Ms. McDowell, to approve the application. The motion was unanimously carried.

Farmington Volunteer Fire Company Ladies Auxiliary (1st time raffle app)

Mr. Greene and Ms. Messina reviewed the Raffle application of Farmington Volunteer Fire Company Ladies Auxiliary for proposed daily drawing dates in December 2011. Ms. McDowell made a motion, seconded by Mr. Angelucci, to approve the application. The motion was unanimously carried.

Knights of Columbus – Coffee Run Council (weekly raffle for one year, fees)

Mr. Greene and Ms. Messina reviewed the Raffle application of Knights of Columbus Coffee Run Council for 50 proposed weekly drawing dates in 2012. Ms. Messina summarized the application for the Board. The Board will not approve applications for more than 6 months of events. Since there will be a raffle drawing and winner every week, the fee must be \$15 per week. Ms. Messina made a motion, seconded by Ms. McDowell, to approve drawing dates between January and June of 2012, contingent on a list of specific drawing dates and receipt of a \$15.00 processing fee per drawing date. The Board proposed to deny drawing dates between July and December of 2012. The motion was unanimously carried.

Ms. Messina made a motion, seconded by Mr. Angelucci, to amend the agenda to add item 5.8.6 to review an After Occasion Report from Paul Laurence Dunbar Elks Lodge for a permitted December 2010 raffle. Ms. Messina stated that the group did not raise enough funds to award the \$5000 cash prize for which it was approved. Ms. Messina made a motion, seconded by Mr. Angelucci, to have Ms. Howard file a complaint against Paul Laurence Dunbar Elks Lodge to investigate whether the raffle proceeds received were returned to the public. The Board agreed that 100% of the raffle proceeds must be returned to the public, and cannot be “donated” to the Elks Lodge. The motion was unanimously carried.

Review of Request to Change Date/Venue of Approved Event

Cape Henlopen Senior Center (time change request)

Mr. Greene and Ms. Messina reviewed the written request of Cape Henlopen Senior Center to change the time of permitted bingo events to be held on 10/5/11 and 11/2/11 from 6-9 p.m. to 2-5 p.m. The reason stated for the request was that the seniors do not like to drive at night and would prefer the games to be in the afternoon. Ms. Messina made a motion, seconded by Ms. McDowell, to approve the time change request. The motion was unanimously carried.

Inclement Weather/State of Emergency Request None

Approval of Licensure List

Mr. Angelucci read aloud the licensure list of Charitable Gaming applications. Ms. Messina made a motion, seconded by Ms. McDowell, to approve the Charitable Gaming applications of Seaford Volunteer Fire Department Ladies Auxiliary, Knights of Columbus Christopher Council 3182, Knights of Columbus Our Lady of Fatima Council, Delaware Diamonds White Fastpitch Association, Henlopen Soccer Club, Surfrider Foundation, Cats Around Town Society, Inc., Kiwanis Club of Georgetown, Inc., Knights of Columbus Archbishop Fitzmaurice, Knights of Columbus Seton Council, and Milton Catsnippers. The motion passed unanimously.

Mr. Angelucci read aloud the licensure list of Raffle applications. Ms. McDowell made a motion, seconded by Mr. Angelucci, to approve the raffle applications of Eleutherian Mills – Hagley Foundation, Henry Francis DuPont Winterthur Museum, and Salesianum School. The motion passed unanimously.

Ratification of Bingo Event Permits Issued

Mr. Angelucci made a motion, seconded by Ms. McDowell, to approve ratification of the Bingo permit of Dover Elks Lodge 1903. The motion passed by a majority, with Ms. Messina recusing herself from the vote.

Ms. McDowell read aloud the list of Bingo Event Permits issued. Ms. Messina made a motion, seconded by Mr. Angelucci, to ratify the Bingo Permits of Harrington Fire Company, Newark Elks Lodge 2281, Bowers Fire Company, Cheer Inc., Milford Elks Lodge 2401, Frankford Volunteer Fire Company Ladies Auxiliary, Rainbow Chorale, Nanticoke Senior Center, Dover Elks Lodge 1903, Friends for Responsible Pet Care, Pot-Nets Homeowners Association, Clayton Fire Company #1, Indian River Volunteer Fire Company, Carlisle Fire Company Ladies Auxiliary, Delaware Veterans Post 2, NUR Temple, The Arden Club, Lewes Senior Center, and Cape Henlopen Senior Center. The motion passed unanimously.

Ms. Messina made a motion, seconded by Mr. Angelucci, to ratify the Bingo permit of Bridgeville Fire Company Ladies Auxiliary. The motion passed by a majority, with Ms. McDowell recusing herself from the vote.

Hearings/Consent Agreements None

Complaint Assignment and Status No updates to report.

OTHER BUSINESS BEFORE THE BOARD

Discussion of Individual vs. Group EINs

The Board reviewed a summary of its past decisions regarding individual and group EINs. The summary of decisions was researched and provided by Ms. Howard. Ms. Messina expressed her opinion that organizations based solely in Delaware should share the number of permitted events with its auxiliaries, unless the auxiliaries have individual EINs separate from the parent organization. The example given was of a fire company with a mens auxiliary and womens auxiliary. Unless the auxiliaries have individual EINs, then they should share the number of allowable events with the fire company. Conversely, if the auxiliaries have their own EINs, then they should be permitted to have their own number of allowable events separate from the fire company. Ms. Messina added that national organizations that have chapters, subsidiaries or branches across the state of Delaware should not be limited to sharing the allowable number of events. The example given was of the American Cancer Society, which may be headquartered in Chicago. Each chapter of the American Cancer Society should be permitted to have the maximum number of annual events, regardless of whether it shares the EIN of its parent organization or not. The Board agreed with Ms. Messina's proposal. Mr. Willard will draft rules and regulations regarding the use of EINs and the allowable number of annual events, and present it to the Board for review at its September meeting.

Charitable Games of Delaware – New Location

Mr. Greene reported that Charitable Games of Delaware has moved its location. Ms. McDowell made a motion, seconded by Mr. Angelucci, to accept the new location of Charitable Games of Delaware. Ms. Messina advised that a motion and vote was not necessary. The motion was unanimously carried.

PUBLIC COMMENT

Mr. Pablo Reyes of Harrington Fire Company addressed the Board. Mr. Reyes recommended that the Division take the necessary steps to allow After Occasion Reports (AORs) to be submitted online from the Board's website. Ms. Howard advised that currently, AORs may be saved and emailed, printed and faxed, printed and mailed, or printed and hand-delivered to the Board office. Mr. Reyes indicated that this is his second request before the Board for electronic AORs, and asked why his first request in 2010 had not been implemented. Ms. Howard advised that the Division does not currently have the software to enable electronically-submitted AORs. Ms. Howard also indicated that the Division is working towards making the process more efficient, but may be constrained by budget restrictions. Mr. Reyes attempted to discuss an open complaint with the Board, but Ms. Howard advised him that open complaints currently under investigation could not be presented to the Board; this process is in place to maintain unbiased board members in the event of a hearing. Mr. Greene stated that he will meet with Director Collins regarding the issue of electronically-submitted AORs and get back to Mr. Reyes with an update.

NEXT MEETING

The next scheduled Board meeting is September 1, 2011 at 1:00 p.m., at 861 Silver Lake Boulevard, Cannon Building, Conference Room B, Dover, Delaware.

ADJOURNMENT

There being no further business before the Board, Ms. Messina made a motion, seconded by Ms. McDowell, to adjourn the meeting at 2:13 p.m. The motion passed unanimously.

Respectfully Submitted,



Michele Howard
Administrative Specialist II